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Message Text

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PAGE 01 BOGOTA 04266 301530Z

53
ACTION L-03

INFO OCT-01 ARA-10 ISO-00 CPR-01 OPR-02 CU-04 SS-15 SSO-00

/036 W
---------- 105316
O 301452Z APR 76
FM AMEMBASSY BOGOTA
TO USIA WASHDC IMMEDIATE
SECSTATE WASHDC IMMEDIATE 4827
INFO DEPT JUSTICE WASHDC IMMEDIATE

UNCLAS BOGOTA 4266

USIAC

USIA FOR I/GC: SECSTATE FOR LEGAL ADVISER:

DEPT JUSTICE FOR CIVIL DIVISION FOR FOREIGN LITIGATION

E.O. 11652: N/A
SUBJECT: LITIGATION AGAINST MEDELLIN BINATION CENTER

REF: BOGOTA 4094; CHATTEN-ESTES-IGS TELCON APRIL 28,

1. BEITHER USIS NOR EMBASSY FILES HAVE 2 FAM SECTION 84.3. PERHAPS WE MISUNDERSTOOD. 2 FAM 284.3 SEEMS RELEVANT AND POST WILL CONTINUE TO ADVISE ON LOCAL CONDITIONS, DETAILS, UNUSUAL ASPECTS AND OTHER FACTS OF CASE.

2. RE PARA. REFTEL, MS SMITH BEARS CONSUL TITLE BUT IT STILL APPEARS FROM HERE SHE BEARS IMMUNITY UNDER INTERNATIONAL LAW SINCE SHE WAS ACTING OFFICIALLY.

3. RE IGC QUESTIONS, PAPERS WERE SERVED ON MS. SMITH PERSONALLY AND DUARTE SUIT CLAIMS SHE 51 YEARS OLD.

4. AID-MISSION ASSISTANT LEGAL ADVISER, A COLOMBIAN ATTORNEY, WENT MEDELLIN AND SPOKE APRIL 27 WITH BNC
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ATTORNEY. BELIEVES BNC ATTORNEY COMPETENT AND LITI-

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GATION PROBABLY WILL LAST ONE YEAR MINIMUM. TIME
SPAN COULD BE MUCH LONGER AND ARRIVE AT
SUPREME COURT, WHICH IN THIS CASE WOULD BE COURT OF
THIRD INSTANCE. LEGAL ADVISER BELIEVES OUTLOOK
REASONABLY GOOD FOR EVENTUAL RULING AGAINST CONTENTION
MEDELLIN AND BARRANQUILLA ARE PART OF SAME ENTITY AND
DEPENDENCIES OF EMBASSY.

5. HOWEVER, THERE IS TIME PRESSURE. MS. SMITH COULD
BE CITED WITHIN A MONTH TO APPEAR IN COURT. SHE ALSO
COULD BE CALLED TO TESTIFY IN ANY OF SIX OTHER CASES
PENDING AGAINST MEDDELIN BNC BY FORMER EMPLOYEES
WHOSE CONTRACTS WERE NOT RENEWED IN 1976.

6. THEREFORE, EMBASSY PROCEEDING REQUEST FONOFFICE
CERTIFICATION TO COURT OF MS. SMITH CONSULAR STATUS.

7. WILL FORWARD COPIES ALL PERTINENT DOCUMENTS AND
TRANSLATIONS IN DUARTE CASE ASAP.M
CHATTEN

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04 MAY 2006

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To: USIA STATE
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